IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY & INTESTATE JURISDICTION

NOTICE OF MOTION NO.5 OF 2005

IN

TESTAMENTARY SUIT NO. 15 OF 2004

IN

PETITION NO. 580 OF 2003

Pravin Joshi. ...Plaintiff.

vs.

Navin K. Joshi. ...Defendant.

And

1. Bhagirath G. Joshi & another. ...Respondent to Notice of motion.

None for the Plaintiff.

Mr.Pravin Diwan i/b. Kanga & Co. for Defendant in support.

Mr.D.H.Mehta with Ms.Nita S. i/b. Kiran Jain & Co. for Respondents.

CORAM: D.K.DESHMUKH,J.

DATED: 20th July, 2006.

P.C.:-

1. This is a notice of motion taken out by defendant no.1 in the testamentary suit seeking interim order about the property. In a

testamentary suit the Court does not decide the title to the property. Therefore, if the Court cannot pass any final order in relation to the property, the Court will not be able to pass any interim order because the power of the Court to pass interim order is to be exercised in aid of the final order that can be made. Hence, the notice of motion is rejected.